

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:99CR29
vs.)	
)	MEMORANDUM AND ORDER
SHYTWIN FOSTER,)	
)	(Restricted Access)
Defendant.)	

The defendant has filed a document captioned: "DEFENDANT'S MOTION FOR REVOCATION OR AMENDMENT OF THE MAGISTRATE JUDGE'S DETENTION ORDERS (DKT. ENTRIES #70 AND #77) PURSUANT TO 18 U.S.C. § 3145(b) AND REQUEST FOR A HEARING." (Filing79).

In this writing, the defendant complains that the magistrate judge did not grant a "MOTION TO REVIEW DETENTION" (Filing 75), in which he specifically requested "placement in a residential alcohol treatment facility." Filing 75 at ¶ 1. The defendant now complains that the order (Filing 77) denying his motion "describe[d] this Program as a 'Residential Alcohol Treatment Center.'" That is how the defendant himself initially presented the matter to this court, in a four-paragraph motion unaccompanied by any relevant information. The defendant's current request materially misrepresents the nature of the court's March 25, 2010 order.

To the extent the defendant requests an evidentiary hearing before the undersigned, that request is denied, as the defendant's final hearing on the pending "Petition for Warrant

for Offender Under Supervision" is set for April 1, 2010, and any treatment issues would be better addressed by Judge Bataillon at that time.

IT IS ORDERED that the Clerk shall docket the "DEFENDANT'S MOTION FOR REVOCATION OR AMENDMENT OF THE MAGISTRATE JUDGE'S DETENTION ORDERS (DKT. ENTRIES #70 AND #77) PURSUANT TO 18 U.S.C. § 3145(b) AND REQUEST FOR A HEARING" (Filing79) as an "Objection to Magistrate Judge's Order" pursuant to NECrimR 59.2.

DATED March 26, 2010.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**